

1 BILL NO. G-94-04- 13

2
3 GENERAL ORDINANCE NO. G-_____

4 AN ORDINANCE AMENDING TITLE XV OF THE CITY
5 OF FORT WAYNE CODE OF ORDINANCES "LAND
6 USES" BY ADDING CHAPTER 158.

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8 WHEREAS, the City of Fort Wayne has determined that it is necessary to
9 regulate the possession of firearms on municipal property in order to promote and protect the
10 health and safety and welfare of the public;

11 WHEREAS, the City of Fort Wayne already prohibits firearms in parks in Title
12 IX, Chapter 97, Section 97.62;

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14 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
15 OF THE CITY OF FORT WAYNE, INDIANA:

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17 Section 1. That Title XV of the Fort Wayne Code of City Ordinances is
18 amended by adding the following Chapter 158:

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21 CHAPTER 158 - FIREARMS ON MUNICIPAL PROPERTIES

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23 SECTION 158.01 DEFINITIONS

24 The following definitions as used in this ordinance shall apply unless the context clearly
25 indicates or requires a different meaning.

26 LAW OFFICER - Any individual(s) entrusted by state, county, or local officials to
27 enforce laws and ordinances. These individuals must be sworn but may be either on or off
28 duty.

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30 LEGAL FIREARM - Firearms which are registered with state and local officials in
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1 accordance with state and federal laws, or are not subject to such registration.

2 MUNICIPAL PROPERTY - Any land, buildings, or other real property owned, leased,
3 or administered by the City of Fort Wayne, excluding public rights-of-way as defined by
4 Section 70.01 of the Municipal Code, highways (as defined in Indiana Code 8-23-1-23), or
5 public highways (as defined in Indiana Code 8-2.1-17-14).

6 SECURED WITHIN AN UNOCCUPIED PERSONAL VEHICLE - Locked within the
7 glove compartment or trunk of such a vehicle.

8 FIREARMS - Any weapon, device, or instrument capable of, or designed to, or that may
9 be readily converted to expel a projectile, bullet or other deadly missile by means of explosive
10 charge or other means of propulsion; including but not limited to handguns, rifles, and
11 shotguns.
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15 **SECTION 158.10 GENERAL PROVISIONS**

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17 (A) (1) It shall be unlawful for any person to possess, bring, or carry any firearm
18 within, into, or on any municipal property.

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20 (2) It shall also be unlawful for any person to discharge any firearm from,
21 within, into, or on any municipal property.
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24 (B) (1) This section [(A)(1)] shall not prohibit any officer of the law from
25 possessing, bringing, or carrying any firearm within, into, or on any
26 municipal property while in the performance of his or her duty.
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29 (2) This section ((B)(1)) shall not prohibit any officer of the law from
30 discharging any firearm from, within, into, or on any municipal property
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1 while in the performance of his or her duty.

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3 (3) This section shall not prohibit any person from having possession of a
4 legal firearm secured within their personal vehicle while on municipal
5 property.
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8 (4) This section shall not prohibit any person from discharging a legal
9 firearm within, into, or on any municipal property when lawfully
10 defending any person or property.
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12 (5) A written waiver of these limitations may be made for person(s) who can
13 document in writing extenuating circumstances to the satisfaction, of both
14 the Chief of Police and the Director of Public Safety.
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17 (6) Nothing in this Section shall be interpreted to permit any activity
18 expressly prohibited by Section 97.62 of the Municipal Code.
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21 **SECTION 158.20 PENALTY**

22 (A) Any person violating section 158.10 (A) or 158.10 (B) shall pay a fine for each
23 infraction as follows.

24 (1) Not less than \$100.00 nor more than \$1000.00 for possession, bringing,
25 or carrying a weapon(s) in violation of the ordinance..

26 (2) Not less than \$100.00 nor more than \$1000.00 for discharging a
27 weapon(s) in violation of the ordinance.
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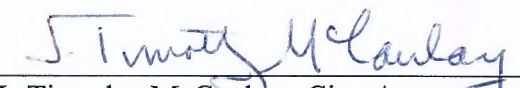
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30 **SECTION 2.** That, if any section, clause, sentence, paragraph, part, or provision
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1 of this ordinance found invalid or void by a Court of competent jurisdiction, it shall be
2 conclusively presumed that this ordinance would have been passed by the Common Council
3 without such invalid section, clause, paragraph, part, or provision and the remaining part of the
4 ordinance will remain in effect.
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7 **SECTION 3.** That this ordinance shall be in full force an effect from and after
8 its passage and after approval by the Mayor, and any publication required by law.
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11 
12 Council Member

13 APPROVED AS TO FORM AND LEGALITY

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15 J. Timothy McCaulay, City Attorney
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The City of Fort Wayne

Paul Helmke, Mayor

*Filed
May 24, 1994*

TO: Members of the Common Council

FROM: J. Timothy McCaulay, City Attorney

DATE: April 11, 1994

SUBJECT: AMENDMENT/ADDITION TO TITLE XV OF FORT WAYNE CODE

G-94-04-13

The proposed ordinance would add Chapter 158 to Title XV of the Fort Wayne Code of Ordinances entitled "Land Uses". Chapter 158 is entitled "Firearms on Municipal Properties". This chapter will include the following sections: 158.01-Definitions, 158.10-General Provisions, and 158.20-Penalty. The ordinance also provides severability and effect after passage.

This ordinance would restrict the ability of citizens to carry weapons, firearms on municipal properties as defined within the ordinance. The goal is to follow a logical progression of the court system in Allen County which signed an order on May 26, 1992 banning the possession of firearms or deadly weapons within Allen County Superior and Circuit Courts. This court order was signed by all ten (10) of the judges who work in these courts. Security from reprisals from litigants was the primary motivation on the order. This reasoning can also be used within the confines of municipal buildings that often deal with the public on potentially volatile issues (billing, interruption of service).

This ordinance does not change the rules for municipal property which is part of the Fort Wayne Parks and Recreation Department. The City has forbidden the carrying and firing of any weapon within 500 feet of all City parks since 1974. This language can be found in the Fort Wayne Code of Ordinances at Section 97.62. Although this particular provision is more closely associated with prohibition of hunting within the parks, the language clearly prohibits possession and use of firearms within the parks for any reason. Nothing in this section shall be interpreted to permit any activity expressly prohibited by Section 97.62 of the Municipal Code. In conjunction with the passage of the ordinance at issue the Fort Wayne Police Department will seek to increase the level of enforcement for violations of section 97.62, hunting or otherwise.

Finally, this ordinance addresses public safety within all municipal properties. The annual sales of weapons in the United States is ever increasing. Firearms play a major role in the commission of homicide, aggravated assault, armed robbery, and accidental injury and death. The restriction of such weapons is an effort to reduce firearm-related deaths, injuries and crimes.



However, this ordinance contains a number of exceptions. Police officials would not be restricted in their possession of firearms, as well as citizens who require a firearm and are given a waiver. In addition, this ordinance does not restrict the possession of firearms on the public right-of-way, such as city streets and sidewalks, and allows citizens to possess a firearm properly secured in their automobile when in or on municipal property.

Should you have any questions regarding the ordinance, please feel free to call me at 427-1124, or Matt Senseny at 427-1120.

JTM/MS/GB

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Restriction of firearms on municipal properties.

DEPARTMENT REQUESTING ORDINANCE Mayor's Office

SYNOPSIS OF ORDINANCE Restricts possession and discharge of firearms on municipal properties.

EFFECT OF PASSAGE Carrying and discharge of firearms on municipal properties will be restricted.

EFFECT OF NON-PASSAGE Carrying and discharge of firearms will not be restricted.

MONEY INVOLVED (Direct Cost, Expenditures, Savings) n/a

ASSIGNED TO COMMITTEE _____

Read the first time in full and on motion by _____,
and duly adopted, read the second time by title and referred to the Committee on _____,
(and the City Plan Commission for recommendation)
and Public Hearing to be held after due legal notice, at the Common Council Conference
Room 128, City-County Building, Fort Wayne, Indiana, on _____,
the _____ day of _____, 19_____, at _____
o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____,
and duly adopted, placed on its passage. PASSED LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	_____	_____	_____	_____
BENDER	_____	_____	_____	_____
CRAWFORD	_____	_____	_____	_____
EDMONDS	_____	_____	_____	_____
HALL	_____	_____	_____	_____
HAYHURST	_____	_____	_____	_____
HENRY	_____	_____	_____	_____
LUNSEY	_____	_____	_____	_____
RAVINE	_____	_____	_____	_____
SCHMIDT	_____	_____	_____	_____

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL)
(ZONING) ORDINANCE RESOLUTION NO. _____
on the _____ day of _____, 19_____,

ATTEST:

SEAL

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the
_____ day of _____, 19_____,
at the hour of _____, o'clock _____, M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day
of _____, 19_____, at the hour of _____
o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

Read the first time in full and on motion by Ravine, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on Tuesday, the 31st, day of May, 19 94, at 7:30 o'clock P.M., E.S.T.

DATED: 4-12-94 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage.
PASSED ☐ LOST ☐ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	_____	_____	_____	_____
BRADBURY	_____	_____	_____	_____
EDMONDS	_____	_____	_____	_____
GiaQUINTA	_____	_____	_____	_____
HENRY	_____	_____	_____	_____
LONG	_____	_____	_____	_____
LUNSEY	_____	_____	_____	_____
RAVINE	_____	_____	_____	_____
SCHMIDT	_____	_____	_____	_____
TALARICO	_____	_____	_____	_____

DATED: _____
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. _____ on the _____ day of _____, 19____
ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____, M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____, M., E.S.T.

PAUL HELMKE, MAYOR